

FWP/Eastside Forests  
Big Game Management - 3<sup>rd</sup> Meeting; Bozeman R3 Headquarters  
December 1, 2010

Attended by: Tom Carlsen, Adam Grove, Denise Pengeroth, Eric Tomasik, John Haber, Laura Conway, Mike Thompson, Quentin Kujala, Justin Paugh, Tom Whitford, Julie Cunningham, Jodie Canfield, Chris Worth, Justin Gude

Quentin - He sent out the latest "decision tree" document for review and the feedback was that generally, area biologists did not think that habitat was the variable of most concern in their situations managing big game populations. The feeling is that the FS standards we have in place have served to protect basic habitat and whatever "new" standard replaces those, should serve to keep that status. There was also concern about forage (quality and quantity) and conifer mortality relative to bark beetles.

Other specific concerns expressed by FWP attendees:

- Enforcement of road closures
- Placement of roads
- Winter recreation (upper Gallatin)

FS feedback - could have a Forest Plan monitoring element to address road closure effectiveness

FWP question - Does the process we are now engaged in help with FWP participation in travel planning?

FS response - Yes. Travel Planning is bound by the sideboards (e.g. standards) in the Forest Plans. The final steps in travel planning are the closure orders.

FWP question - What about the potential need for non-motorized restrictions?

FS response - A NEPA analysis for new "standards" (i.e. Forest Plan amendments) can help identify those situations where non-motorized use restrictions may be needed to meet FWP objectives.

FS comment - We need to work carefully with line officers to avoid using site specific Forest Plan amendments to get around standards.

## Decision Tree Discussion:

What should be a standard versus a guideline? There was a suggestion that the security areas be the only standard since the numbers have some basis in research. "Wanna do's" are desired conditions and can be captured in guidelines; "Gotta do's" are standards that you have control over and that can be implemented at the project level.

What about thermal cover. The definition was "made up" by JW Thomas. We may not need to separate it out from cover in general.

Decision Tree purpose is to try and address the real limiting factor for big game management and provide reaffirmation of sustaining the traditional 5 week general hunting season.

Need to identify the appropriate unit of analysis and patch size requirements if needed. All are ok with using 40% canopy cover as the proxy for big game hiding cover.

*At this point, we broke into 2 Groups to separately discuss SECURITY AREAS and WINTER RANGE considerations.*

### Security Area Group Notes

Desired Condition: no displacement (from FS lands) of big game at any time of the year.

Justin Gude - FWP research in sw Montana showed that open road density was the best predictor of elk distribution during hunting season; they used the Hillis definition of security areas and this was not a strong variable in predicting elk distribution.

#### Components of Security Area (Hillis paradigm)

- 30% of appropriate "unit". Herd unit is best, but where that is not documented, then the analysis unit should be coordinated with FWP to represent the "best" depiction of the potential fall range (lower summer to upper winter).
- 250 plus acres

- At least  $\frac{1}{2}$  mile from open motorized route (9/1-12/1 dates at a minimum; yearlong is better (this could be a guideline); private roads included)
- Some sideboards about location of security areas relative to what animals actually use.

Motorized Route Density has a bearing on elk habitat use in the summer, as well as "fair chase" considerations during the hunting season.

Bin item: compare  $\geq 30\%$  security with motorized route density; what is the correlation?

Cover discussion: Cover is important, but doesn't necessarily need to be exclusive to the "security areas". The group agreed that a better objective is to maintain 2/3 of the potential, desirable conifer cover over the spring, summer, fall home range (including private lands). We all agree that we do not want to manage open grown forests or aspen etc. as hiding cover. Distribution and cover patch sizes should be mutually agreed upon by FWP and FS during project level analysis.

Definition of hiding cover: screen animals; field studies in the eastern forests have shown that 40% canopy cover (from photointerp) is adequate.

Therefore, the definition is "at least 40% green conifer canopy cover (pole size trees or larger) in forest habitat types with an ecological niche supporting this level of canopy closure. In the event that there is a loss of "green" canopy cover, then the functional attributes (screening) must be field verified. Following fire or bugs or harvest, a regenerated stand provides hiding cover when on average trees are X' tall (literature suggests 5', but doesn't account for viewing angle), or based on field verification.

Bin item: What about viewing angle and topography? Jodie to look at her and Lyon's paper and make a suggestion by next meeting.

Forage Discussion - BIN ITEM

### Winter Range Group Discussion:

Goal: Provide for (on FS lands) high quality forage attractive to big game on winter ranges at the beginning of the winter period (12/1-5/15).

Adapt grazing systems to achieve this goal

Bin Item: Review existing FWP standards relative to grazing and big game

Goal: Provide winter range protection to maximize effective use of winter ranges by big game.

Address all factors, including motorized and non-motorized recreation use

Winter Cover =  $\geq 40\%$  canopy cover or best available

Maintain 75% of winter cover on FWP defined winter ranges by herd unit as defined by FWP.

What about conifer colonization issue?

What about thinning cover on winter ranges?

Can DBH be used as a proxy for height?

If less than 50% of the forested portion of the winter range occurs on FS lands, than a discussion with FWP should determine if more than 75% retention is needed.

What about exceptions for urban interface?

### NEXT MEETING(s) DISCUSSION ITEMS (January 18; Bozeman)

Road density - still need this as a standard?

Calving Areas

Migration corridors

Forage on Summer/Fall range

Procedural guidelines (how and when)

Other species (bighorn, moose, goat, antelope)

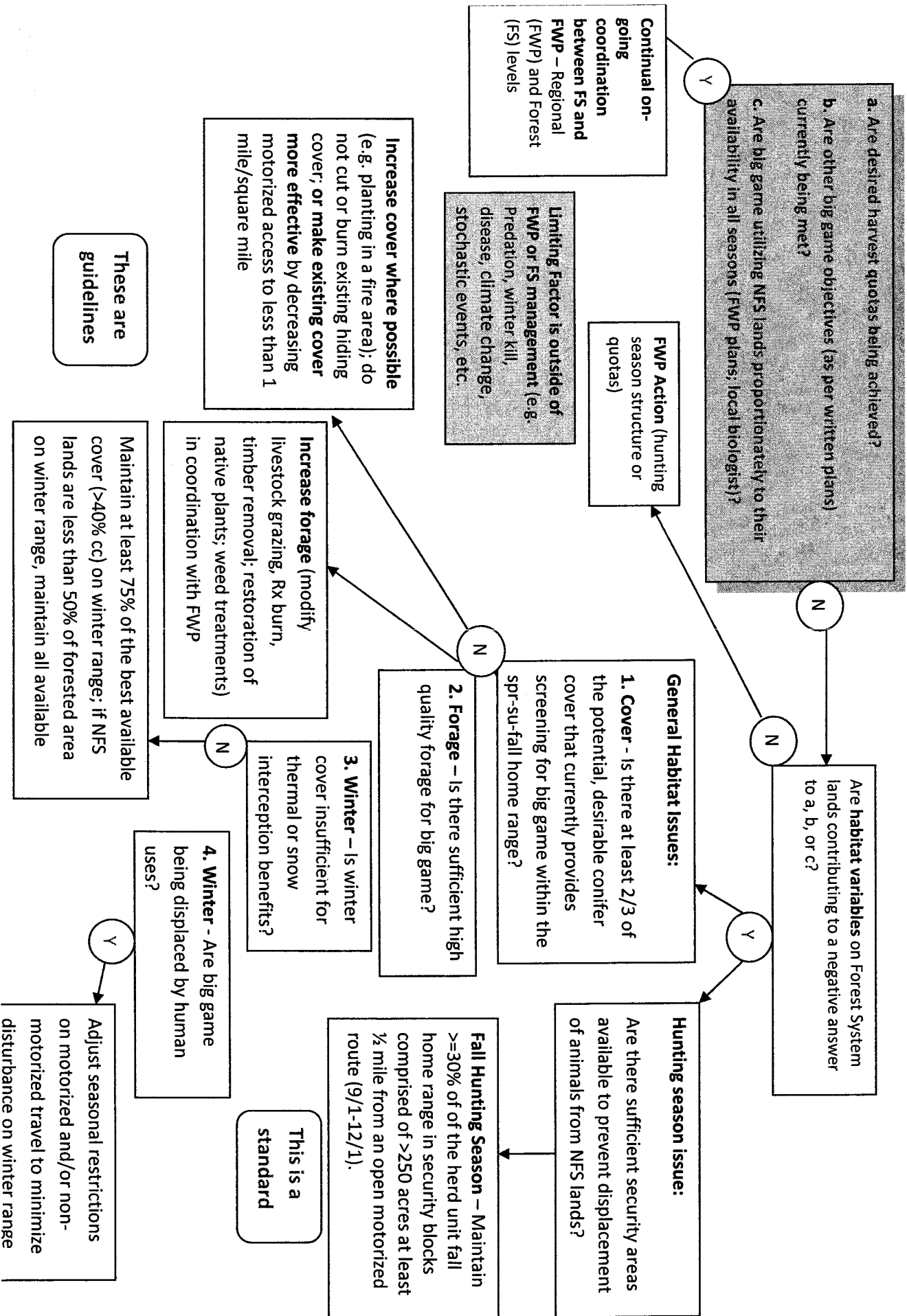
Venue for presenting to higher levels of both FWP and FS:

Will need a document and a powerpoint

Need to include the Regional Office as well as eastside supervisors and rangers from FS side; similarly Helena staff and Regional staff from FWP

Chris Worth and Quentin to work on presentation of our collaborative proposal

**At the project level, local FWP and Forest Service biologists determine an appropriate analysis area and work through the decision tree to determine if guidelines and/or standards apply (In this case, big game refers to elk and deer)**



“Coordination” as used in the flowchart refers to at least annual coordination between the FS (Forest level) and MDFWP (Regional level). For the FS this coordination will include a line officer representative as well as the Forest Biologist.

If a Standard, Guideline, or Desired Condition is not being met, but population and distribution goals are being met (as determined by coordination and written plans) then it is not necessary to take action to move the area towards meeting the Standard, Guideline, or Desired Condition. However, a new Decision which would move the area further away from the Standard, Guideline, or Desired Condition may require a site specific amendment to the Forest Plan.

The purpose of the following flowchart and direction is largely to address coordination between the FS and MDFWP on matters relating to elk and deer and to serve the public’s strong interest in game management and public wildlife on public land. The FS recognizes other benefits and roles of elk and deer such as for recreation, wildlife viewing, intrinsic value of native species, ecological roles (e.g. effects on vegetation, predators, carrion eaters, and other wildlife).

NFS lands on the eastside Forests are distributed across the landscape in patterns that vary from relatively large blocks to dispersed island mountain ranges and smaller scattered blocks of NFS ownership. This pattern creates situations where the proportion of NFS ownership in a Hunting District or Elk Management Units can vary from a strong majority to a small minority. Given the varying and sometimes small portions of NFS ownership within the geographic units that MDFWP generally uses for measuring population objectives, care must be taken when making inferences about NFS management on NFS lands are made based on measurements made at the Hunting District level. Across much of the eastside NFS lands make up a small minority of the landscape and public lands generally receive more use and pressure by the public than private lands. In some areas on the eastside this can contribute to a situation where the distribution of wildlife and the displacement of wildlife from public lands is as much or more of an issue than the population numbers. Our shared goal is to have public wildlife on public land commensurate with the capability and suitability of the area. The FS is a multiple use agency with responsibilities for managing multiple resources, and at times other resources and issues (such as public safety), will take precedence over wildlife concerns.

Are desired harvest, population, and other big game objectives being met (e.g. State Elk Plan, Forest Plan)?

Are big game using NFS lands in a satisfactory manner proportional to their availability (determined through annual coordination).

If yes, then no action is necessary. Continue annual coordination between FS (Forest level) and FWP (Regional level), hereafter referred to as "coordination". Avoid moving further away from an unmet Standard, Guideline, or Desired Condition.

If no, then through coordination identify if the cause is FS habitat management, MDFWP regulations, other factors, or a combination.

If limiting factor is FS habitat management, then identify limiting aspect(s) (see page 2 of flowchart).

If limiting factor is MDFWP regulations, then consider MDFWP Action (adjusting hunting regulations).

If limiting factor is outside of MDFWP or FS management then identify what it is (e.g. predation, winter kill, disease, climate change, stochastic events).

From page 1 of the flowchart:  
If limiting factor is FS habitat  
management, then identify  
limiting habitat aspect(s).

Displacement from NFS  
lands during hunting  
seasons from inadequate  
security will be addressed  
by the following Standard  
and Desired Condition:

Displacement from NFS  
lands outside of the  
hunting seasons from  
inadequate security will  
be addressed by the  
following Guideline:

Adequate high  
quality forage will be  
addressed by the  
following Desired  
Condition:

Adequate winter cover for  
thermal benefits and/or  
snow interception in winter  
range identified through  
coordination will be  
addressed by the following  
Desired Condition:

Displacement from  
critical winter range  
(identified through  
coordination) by  
human disturbance  
will be addressed by  
the following Desired  
Condition:

Displacement from  
calving habitat or  
migration routes  
(identified through  
coordination) will be  
addressed by the  
following desired  
condition:

Standard: During the fall  
hunting seasons maintain  
>=30% of a herd unit's fall  
home range in >250 acre  
security blocks at least 1/2  
mile from an open  
motorized route [9/1-  
12/1]

Guideline: Where  
coordination has  
identified areas to be  
emphasized for elk use  
outside of the hunting  
season, no more than 1  
mile of motorized route  
per square mile will be  
allowed.

Desired Condition:  
Adequate forage will  
be available for big  
game year around  
considering the  
capability and  
suitability of the area.  
Forage will be  
maintained or  
improved through  
modifying livestock  
grazing, prescribed  
burning, timber  
management, native  
plant and noxious  
weed treatment.

Desired Condition: Maintain at  
least 75% of the best available  
cover (>40% cc) based on  
historic range of variation on  
identified winter range. If less  
than 50% of the forested  
portion of the winter range in  
a herd unit occurs on FS lands,  
then coordination should  
determine if additional  
emphasis is warranted.

Or:

Where winter cover has been  
identified through  
coordination as a limiting  
factor, it will be maintained  
and improved to the extent  
necessary as determined  
through coordination, within  
the capability and suitability of  
the area. The thinning of  
encroaching conifers and the  
treatment of WUI areas will  
be considered and addressed  
during coordination.

Desired Condition:  
Critical winter range  
will be available for use  
by big game from 12/1  
to 05/15. This may be  
addressed by  
adjustments to  
seasonal restrictions  
for motorized and/or  
non-motorized travel.

Desired Condition:  
Calving habitat (05/15  
to 06/30) and  
migration routes  
(season determined  
through coordination)  
will be available for use  
by big game. This may  
be addressed by  
security and forage  
(calving habitat)  
management.

Desired Condition: At  
least 2/3 of the potential,  
desirable conifer cover in  
a security block will  
screen an elk. Adequate  
terrain may reduce this  
amount of conifer cover  
(judgement call by wildlife  
biologists through  
coordination).



Memo  
August 30<sup>th</sup> 2010

To: GAR Government Affairs Committee  
From: Dennis  
Date: 8/31/2010

Re: Streamside Setbacks in Madison County

The Madison County Planning Board has approved a recommended streamside setback regulation for the Madison River and for the tributaries and streams in the county.

**The regulation sets a 150 foot streamside buffer area (a no-disturbance, natural vegetation-only zone) and a 300 foot jurisdictional boundary (a building setback) along the Madison River. Tributaries and streams in the county will have a 100 foot streamside buffer area.**

The Planning Board will review a final draft of the regulation during their meeting in September (the 27<sup>th</sup>) and they have tentatively scheduled a public hearing on the regulation for their October 25th meeting.

**The Rest of the Story:** Last night's decision came after a lengthy (2-hours-plus) presentation by FWP staffer Doris Fischer. Ms. Fischer is the former Madison County Planner and quite well-known in the area.

The presentation covered two FWP initiatives that ended up having a *huge* impact on the decision of the Planning Board. In fact, the information I am about to brief you on was cited over and over again by Planning Board members during their deliberations before their decision.

First, Ms. Fischer briefed the Planning Board on and demonstrated FWP's new web-based application called "Crucial Areas Planning System" or CAPS. It is a web-based mapping application with many GIS data layers. The data layers and sub-layers are populated with the following information...this is not a complete list:

- 500 fish and wildlife species
- Vegetation communities
- Terrestrial habitat information
- Fisheries habitat information
- Habitat connectivity
- Stream connectivity

- Native Species Richness
- Species of Concern, including 11 species of birds
- Conservation Acquisition Targets
- Bio-diversity
- Game quality
- Wetlands
- Riparian areas
- Watershed integrity
- Human caused influences
- Energy development
- Energy corridors
- Transportation corridors
- Density projections out to 2020
- Legal Boundaries
- Hunter Activity & Expenditures
- Human Caused Influences (including 13 variables)
- Development
- Infrastructure

More layers are planned to be added to this application.

Ms. Fischer says CAPS is used to 'support' the earliest stages of development. At one point in the presentation she said that entire counties in Montana have been identified as 'areas of concern' for certain species and habitats.

Ms. Fischer emphasized that CAPS is not a 'bible', and is not a stand-alone resource, but should be used in consultation with local FWP biologists at the beginning stages of development. She said one goal of CAPS is to enable animals to move across the landscape more easily.

Ms. Fischer said CAPS can zoom in on particular stretches of streams and rivers and get a "snapshot" of various wildlife values of the area, or, in the words of Ms. Fischer, the ..."habitats we live amongst." She also mentioned that CAPS is not reliable for parcels below 360-acres in size.

A key part of CAPS is a series of recommendations and guides from FWP that are connected to each of the data layers...one specific item Ms. Fischer mentioned is a residential recommendation by FWP to limit individual wells and septic systems which will therefore limit human caused influences on terrestrial and fisheries habitat.

Following that presentation, Ms. Fischer then segued into FWP's recommended changes to Montana's Model Subdivision Regulations.

At this point it is important to note that Ms. Fischer specifically stated that these are recommendations and have not been submitted yet. (This will come up later)

Basically FWP wants to be involved early on in the process of any and all future development in Montana and they are using proposed additions to the Model Regs to accomplish this goal.

Their proposal adds the following to the Model Regs:

- Design standards
- A Wildlife Impact Assessment (WIA)
- A WIA Waiver
- Buffers and Setbacks for water bodies (130 to 300 feet)
- Buffers and Setbacks along with density requirements for big game winter range
- Buffers and Setbacks along with density requirements for native grasslands and shrubs

To quote Ms. Fisher: "The smaller the setback range, the greater the human encroachment." (This comment was cited several times later in the evening)

Ms. Fischer referred to these as 'recommended standards' that can and will accommodate development to 'some degree'.

The goal, avoid habitat fragmentation (including winter range habitat) through human encroachment by locating new development to existing development and new open space to existing open space.

According to Ms. Fischer, the Appendix to these recommendations will include rationale for each of the standards. She said that a Department of Commerce lawyer has already said that the Appendix can be used as Findings of Fact for the standards.

~~She also stated that it would be ideal for people to consult with the FWP before they made a land purchase.~~

Ms. Fischer would also like to create "Living with Wildlife" covenants for projects in the Model Regs for habitat conservation.

Following this presentation, the Planning Board moved on to discussion regarding the proposed setback ordinance.

Board members gave **great credence** to **both** of Ms. Fischer's presentations. Members stated over and over again how the FWP has "adopted the standard" for setbacks. "Listening to Doris made things clearer." "The science is clear." "I liked what Doris said." These and other comments were in reference to FWP's proposed changes to the Model Regs. The Planning Board treated these recommendations as regulatory in nature, in my opinion and based their decision on them.

**Analysis:** FWP's CAPS and suggested changes to the Model Sub Regs were *the* deciding factors that pushed the streamside setback issue over the top with the Planning Board.

The CAPS program is powerful, easy to use and represents a huge challenge to the Real Estate industry. In my opinion, CAPS comes close to putting FWP in the driver's seat when it comes to *all* future land use in Montana.

In essence, the program gives *anyone and everyone* the chance and the tools to be a land-use planner. Depending on the issue or the species, CAPS gives local planning staff the opportunity to become institutional objectors as well as providing the public (or planning boards) with the ability to base their objections on "science".

It's important to note that CAPS is not science, but rather a data application. Science is verifiable and peer reviewed. CAPS is driven by data that is collected, collated and applied by FWP biologists and technicians. To my knowledge, the public cannot verify that data (as in, when and where it is collected and over what period of time it is collected...a single observation, or a long-term series of data-points that might identify a trend), and there doesn't seem to be any peer review of the data by an outside entity.

In short, we are told to take FWP's word for it. However, CAPS is readily available, easy to use and is visually compelling. And to the layperson, this looks like science, feels like science and is therefore unimpeachable.

Any individual or company seeking to refute the conclusions of CAPS will face an expensive and time-consuming effort, since they will need to hire independent wildlife consultants, biologists and lawyers to perform actual scientific review of and challenge to the conclusions of CAPS.

And, according to Ms. Fischer, all the other western states are working on or are ready to deploy programs similar to CAPS. She also mentioned that the goal is to decrease habitat fragmentation and increase habitat connectivity and habitat corridors *across state lines*.

So, CAPS is on the ground and influencing land-use decisions in Montana.

I think the trend is clear to see; habitat and wildlife corridor connectivity will dominate and determine land-uses across the western United States.

In short, if critters walk, nest, fly or swim across your land, your use of that land will be severely curtailed. It doesn't take any stretch of the imagination to look at this and similar initiatives and see that a proposal like Yucatan to the Yukon is another step closer to reality.

Respectfully Submitted,

Dennis Carlson